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Log of the Classes

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Log of the Classes

Debating Contest Winners

During the past month the annual try-outs for debaters were held. On Saturday afternoon, October 5, a group from the Freshmen Class engaged in a debating contest and the following were declared winners of the prizes:

First Prize—Windham Bonham.

Second Prize—Frank Young.

Third Prize—W. P. Jepson.

On Friday afternoon, October 25, the debaters of the Junior Class displayed their talents before the afternoon section of the Freshman Class in Forensics. The following won prizes:

First Prize—Robert Bishop.

Second Prize—Morton B. Hochberg.

Third Prize—Richard Finn.

The Senior Class contestants also appeared before the afternoon Freshman Class in Forensics, but on Friday, November 15. The following students were adjudged winners in the Senior Class debating contest:

First—Warren McCaffrey.

Second—Vernon Sigler.

Third—Charles Kirschbaum.

Each contestant was required to speak practically without preparation. The subject for discussion was assigned to each one about five minutes before he was called upon to speak.

The winners of the respective contests will represent their classes in a series of interclass debates which will start soon with the two-fold purpose of giving practice to these men as debaters and to determine a class champion of the College.

Later on it is planned to conduct a series of intercollegiate debates and the representatives of Chicago Kent College of Law in these debates will be selected from among the above winners in their respective contests. Their showing in the interclass debates will be considered

when making the selections for the college team.

As a reward for their efforts in the class contests the winners of first prizes will receive in each case \$15.00 and a college pin; winners of second prizes will receive \$10.00 and a college pin; and winners of third prizes will receive \$5.00 and a college pin.

Senior Classes Elect Officers

FEBRUARY CLASS

The mid-year students organized at a class meeting a few weeks ago and elected the following men to the positions indicated:

President—Raymond S. Schultz.

Vice-President—David W. James.

Secretary—W. Mercer Alexander.

Treasurer—James I. Upington.

Sergeant-at-Arms—Harold C. Sewell.

Historian—Samuel S. Malkus.

Orator—William MacLean.

Prophet—James R. Hemingway.

Poet—Lawrence M. Gross.

JUNE CLASS

The June graduates had previously elected the following to the office shown:

President—Walter W. Planke.

Vice-President—John M. Falasz.

Secretary—Charles F. Hanson.

Treasurer—Jacob J. Chapman.

Sergeant-at-Arms—Lewis L. Powell.

An election will be held at a later date to fill the minor offices.

Graduate Work

One of the largest groups in the history of the Graduate School of Chicago Kent College of Law greeted the faculty in October. In addition to those who recently completed their undergraduate work there are others who have been in the active practice of law for a num-

ber of years, one of these having received his degree in 1912.

The work of the first semester is divided into three sections. Monday evening is devoted to the reports of the members of the class upon their individual research work. Each member thus receives the benefit of the research of his fellows. The general discussion following each report has opened up new avenues of thought and inquiry. The purpose of this phase of the course is to find governing principles for certain situations that are puzzling the legal profession and the courts themselves.

Some of the subjects covered are:

Rights and Liabilities of Gratuitous Automobile Passenger.

Trespass by Aeroplanes.

Federal Lien of Estate Taxes in Illinois.

Rights of Mortgagees Under Nuisance Statutes.

Chancery Power to Control Declaration of Corporate Dividends.

Husband and Wife as Heirs.

Deodends.

Testamentary Provisions Against Contest.

Strict Foreclosure of Real Property Mortgages in Illinois.

Journalistic Privilege as a Defense in Action for Libel.

Rights of Sureties to Sue Out Writs of Error in Civil Actions.

Implied Assumption of Mortgages in Illinois.

Mortgagor's Suretyship Liability.

Negotiability of Corporate Coupon Bonds Secured by Trust Deeds.

Restrictions Based on Color.

Consolidation of Corporations.

The finished product in the form of these will be submitted to the faculty.

Wednesday finds the group under the guidance of Dean Burke, considering the evolution and development of law. Some time is devoted to a consideration of our ancestral legal system from the Saxon Doms to Blackstone. With the wider knowledge and broader view thus acquired, a survey of the American Law is made.

Monday evening under the tutelage of

Professor Charles H. Jackson, brings a thorough and complete consideration of practice and procedure in the law courts of Illinois. The many difficult problems arising in the course of a lawyer's daily practice are searchingly analyzed and solutions sought.

The "Evolution of Law" is followed in the second semester by "Problems in Illinois Real Property Law" under Professor Walter B. Smith, while "Illinois Chancery Practice" takes the place of "Illinois Common Law Practice."

E. Douglas Schwantes, '29.

Important Late Decisions

Personal Property—(Liens)—Innkeeper's Lien. Traveling Agent's Samples.

One L. E. Boulware was traveling salesman for appellee, National Malted Food Corporation of Chicago, and took to appellant's hotel in Peoria samples of various kinds of malted milk which he was selling for appellee. He registered at the Fey Hotel, which is operated by appellants. He brought with him the products in question and on, or about, November 11, 1927, he left the hotel owing \$61.65 for board and accommodations. Appellants detained his goods, claiming a lien thereon, and afterwards gave notice and sold them to satisfy such lien. Question is whether or not an innkeeper is entitled to a lien upon luggage and property brought into the hotel by a guest, without regard to the question of ownership.

Held that an innkeeper has a lien on the property brought in by a guest, whether the guest is the owner of it or not. This holding is consistent with good reasoning, common honesty and fair dealing. The samples furnished Boulware, as a salesman, were placed in his hands, and the possession thereof delivered to him, for the purpose of selling the goods and wares of the appellee. Appellee knew from the very nature and character of the business in which its salesman was engaged, that it would be necessary for him to stop at hotels and obtain lodging and take his samples with him. The innkeeper, to whom he applied for accom-

modations, became in effect an insurer of his luggage against all loss and damage not occasioned by the act of God, the public enemy, or neglect of the guest himself. It is only reasonable to say that the lien of the innkeeper should be co-extensive with his liability.

National Malted Food Corp. v. Crawford, Appellate Ct., 2nd Dist. Ill. Decided September 24, 1929.

Criminal Law—Statute Changing Punishment

One Jennings was convicted of robbery while armed with a gun and was sentenced to the penitentiary on July 3, 1922, for a term of from ten years to life, as fixed by statute. The Illinois parole law in effect at the time Jennings was convicted provided that no one sentenced and committed, under a general or indeterminate sentence, should be eligible to a parole after commitment until he should have served the minimum term of imprisonment provided by law for the crime of which convicted. The legislature by amendment of the Criminal Code, in 1927, changed the punishment for robbery when armed with a dangerous weapon from a minimum of ten years in the penitentiary to a minimum of one year, with a maximum for life. It was contended that notwithstanding Jennings' conviction took place under the Criminal Code as it stood prior to the amendment in 1927, he nevertheless became entitled on the adoption of the amendment in 1927, to the benefit of the change, and having been imprisoned more than a year he was eligible to parole, and the board of pardons and paroles having ordered his discharge on parole, that the respondent, as judge of the Superior Court of Cook County, properly entered an order on petition for habeas corpus directing his discharge. But it was held, on petition for a writ of mandamus to require the respondent judge to expunge from the records of his court the order entered by him under which order Jennings was discharged from custody, that the Superior Court of Cook County had no jurisdiction to enter the order. The writ of mandamus was

awarded with directions to respondent to expunge the order complained of from the records of the court. Under Jennings' sentence for a term of from ten years to life the section of the Parole Act then in force was made a part of the sentence under which he was committed. By its terms he was eligible to parole at the end of ten years. There is nothing in the amendment of 1927 of the act in relation to robbery which indicates that the legislature intended that the reduction of the minimum sentence of ten years to one year should be applied to persons already convicted and sentenced. If it were to be so construed its constitutionality might be doubted, as the effect of such a construction would be to change the judgment of the court by legislative enactment. There being nothing in the robbery statute as amended in 1927 to indicate that it was to be retroactive, it must be held to be prospective. *The People ex rel. Oscar E. Carlstrom, Attorney General, Petitioner, vs. Joseph B. David, Judge, Respondent.* 336 Ill. 353.

Workmen's Compensation—Unnecessary Risk of Employee

When the reasonable conclusion from the evidence is that a bus driver, whose bus had broken down and could not be repaired, returned to the company's garage at a late hour, and, while waiting until time to take another bus out in the morning, climbed into a bus for a few hours' sleep and started the motor to keep warm and was asphyxiated by the fumes from the motor, it cannot be said that his death arose out of his employment as due to a risk incidental thereto but he must be held to have voluntarily exposed himself to an unnecessary risk, especially where he could have gone into the garage office, which was equipped with heating facilities. The Compensation act is designed to protect workmen and compensate them for injuries received while performing any duty necessary in the course of their employment or incidental to it, but it is not intended by the act that the employer shall be the insurer of the

safety of his employees at all times during the period of the employment. The White Star Motor Coach Lines of Illinois, Plaintiff in Error, v. The Industrial Commission et al. 336 Ill. 117.

Alumni Successful at Judicial Election

Of the twenty candidates for Judge of the Superior Court who were successful at the recent election, nine, or forty-five per cent, are graduates of Chicago Kent College of Law. It is also interesting to note that of the remaining eleven only three are graduates of any law school in this state. The names of these alumni of Chicago Kent College of Law follow:

John P. McGoorty, '92
Oscar Hebel, '92
Denis E. Sullivan, '95
Martin J. Isaacs, '95
Robert E. Gentzel, '97
John M. O'Connor, '00
Harry B. Miller, '04
William J. Lindsay, '06
Peter Schwaba, '13

Judge McGoorty has served as a judge of the Circuit Court for nine years and during the past six years has served as a judge of the Superior Court.

Judge Hebel has served as a judge of the Superior Court for the past twelve years.

Judge Sullivan has served as a judge of the Superior Court for eighteen years.

Judge Isaacs has served as a Master in Chancery of the Superior Court for seventeen years. This is his initial election as judge of the Superior Court.

Judge Gentzel has served as a judge of the Municipal Court eight years and has served more than one year as a judge of the Superior Court.

Judge O'Connor has served sixteen years as a judge of the Superior Court. Since 1915 he has been assigned to the Appellate Court.

Judge Miller has served for the past five years as a judge of the Superior Court, four years of that time in the Criminal Court of Cook County.

Judge Lindsay has served as a judge of the Superior Court for six years.

Judge Schwaba has served as a judge of the Municipal Court for five and a half years in the various civil branches of the court.

The College Announces the Prize Awards for Scholarship for the Year 1928-29

GRADUATED CLASSES

February, 1929

1st Prize (Moran).....Hugh E. Johnson
2nd Prize (Scholarship)...C. H. Edwards
Honorable Mention....Arthur C. Jepson

June 1929

1st Prize (Moran).....Meyer Balin
2nd Prize (Scholarship)...E. D. Schwantes
Honorable Mention... { Harriet W. Bissel
 { Max R. Kargman

OTHER CLASSES

Group I (Those having 12½ semester hours or less)

1st Prize (Moran).....Carl Devinatz
2nd Prize (Scholarship)...I. L. Hildebrand
Honorable Mention....William Fathauer

Group II (Those having more than 12½ semester hours and not to exceed 25 semester hours)

1st Prize (Moran)....Marjorie Van Horn
2nd Prize (Scholarship) { Frank A. Stromquist
 { Allen M. Klein

Group III (Those having more than 25 semester hours and not to exceed 37½ semester hours)

1st Prize (Moran).....Lee L. Turoff
2nd Prize (Scholarship)...Louis Pickus
Honorable Mention....John R. Allen, Jr.

Group IV (Those having more than 37½ semester hours and not to exceed 50 semester hours)

1st Prize (Moran).....Jacob J. Chapman
2nd Prize (Scholarship)...Eric Collins
Honorable Mention....C. C. Kirshbaum

Group V (Those having more than 50 semester hours and not graduated)

1st Prize (Moran)...Jas. R. Hemingway
2nd Prize (Scholarship)...S. S. Malkus
Honorable Mention...Lawrence M. Gross